

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

TRAVIS CLARK TUCKER

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Case No. 4:11cr73
(Judge Crone)

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on September 26, 2014, to determine whether Defendant violated his supervised release.

On September 12, 2012, Defendant was sentenced to eighteen (18) months' custody followed by three (3) years of supervised release for the offense of Felon in Possession of a Firearm. On December 31, 2013, Defendant's supervised release began.

On June 2, 2014, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following conditions: (1) the defendant shall not commit another federal, state, or local crime; and (2) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance, or any paraphernalia related to any controlled substances, except as prescribed by a physician.

The petition alleges that Defendant committed the following acts: On May 16, 2014, Defendant was arrested by Frisco Police Department for Driving While Intoxicated 3rd or More, Third Degree Felony. Defendant pleaded guilty and was sentenced to probation for seven years.

Prior to the Government putting on its case, Defendant entered a plea of true to all of the

violations. The Court recommends that Defendant's supervised release be revoked.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of thirteen (13) months, to be served consecutively to any sentence of imprisonment that the Defendant is serving, with twenty-three (23) months of supervised release to follow.

The Court further recommends the following conditions:

Within 72 hours of release from the custody of the Bureau of Prisons, the defendant shall report in person to the probation office in the district to which the defendant is released.

While on supervised release, the defendant shall not commit another federal, state, or local crime, and shall comply with the standard conditions that have been adopted by the Court, and shall comply with the following additional conditions:

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment, and at least two periodic drug tests thereafter, as determined by the court.

The defendant shall provide the probation officer with access to any requested financial information for purposes of monitoring employment.

The defendant shall abstain from the use of alcohol and other intoxicants during his period of supervised release.

The defendant shall participate in a program of testing and treatment for alcohol and drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as the defendant is released from the program by the probation officer.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 28th day of September, 2014.

A handwritten signature in black ink, reading "Amos Mazzant". The signature is written in a cursive style with a horizontal line underneath it.

AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE